

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6423**

**BILL NUMBER: SB 191**

**DATE PREPARED:** Nov 19, 2001

**BILL AMENDED:**

**SUBJECT:** Smoking on School Property.

**FISCAL ANALYST:** Karen Firestone

**PHONE NUMBER:** 317-234-2106

**FUNDS AFFECTED: X GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** The bill prohibits smoking on public school property and restricts the designation of a smoking area in a public school building. The bill authorizes the removal of a person from public school property for smoking after a request to refrain from smoking. The bill also imposes penalties for smoking or using tobacco products at certain official school-sponsored activities.

**Effective Date:** July 1, 2002.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** Smoking or using a tobacco product on public school property would be a Class B infraction under the bill. The violation would be a Class A infraction if there were three previous judgements against the offender. Additionally, with the exception of field trips, public schools could not hold official school-sponsored activities at a public or private facility, unless in the area of the facility where the activity is being conducted, smoking is prohibited and it is properly posted. A person who smokes or uses a tobacco product in this location would be guilty of a Class B infraction, or a Class A infraction if there were three previous judgements against the offender.

If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class B infraction is \$1,000 (or \$10,000 for a Class A infraction) which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record, or 55% if the case is filed in a city or town court.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** If additional court actions are filed and a judgment is entered, local

governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**